

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRUCE H. YUILLE,

Plaintiff,

Case No. 09-11203

HON. BERNARD A. FRIEDMAN

vs.

AMERICAN HOME MORTGAGE  
SERVICING, INC., et al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S OPINION AND ORDER,  
OVERRULING PLAINTIFF'S OBJECTIONS, AND GRANTING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

**I. Introduction**

On September 22, 2010, Magistrate Judge Donald A. Scheer issued a Report and Recommendation ("R and R") in which she recommended that the Court grant Defendants' Motion for Summary Judgment.

**II. Analysis**

Plaintiff filed a timely objection to the R and R, and Defendants filed a timely response to Plaintiff's objections. Plaintiff's objections, however, are not persuasive, and the Court, having had an opportunity to fully review this matter, believes that Magistrate Judge Scheer has reached the correct conclusions for the proper reasons.

Plaintiff's objections are without merit, and lack legal support. Plaintiff has not presented any legal support for his arguments that he should be able to retain a \$3.6 million mortgage loan free and clear of any obligation to repay the loan. Plaintiff's arguments were fully analyzed within the

body of Magistrate Judge Scheer's R and R, and the Court will not re-analyze them here, as Plaintiff does not present any new or compelling arguments which lead the Court to find that Magistrate Judge Scheer's R and R was in error.

Magistrate Judge Scheer properly noted that Plaintiff's quiet title claim is barred; that Plaintiff's defamation claim should be dismissed; that Plaintiff's fraud claim is inadequately plead; and that the Michigan Consumer Protection Act, MCL § 445.904 does not apply to residential mortgage transactions.

### **III. Order**

Accordingly,

IT IS ORDERED that Magistrate Judge Scheer's Report and Recommendation, dated September 22, 2010, is hereby accepted and adopted.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment is GRANTED.

Dated: October 25, 2010  
Detroit, Michigan

s/Bernard A. Friedman\_\_\_\_\_  
BERNARD A. FRIEDMAN  
UNITED STATES DISTRICT JUDGE